

# FACSIMILE TRANSMISSION COVER SHEET

TO

(COPY  
OF PAPER  
# 21

Name Ms. Brown

Title

Dept. Office of Petitions

Company or Firm United States Patent & Trademark Office

Address

Facsimile Tel. # (703) 308-6916

FROM

**WARD & OLIVO**

708 Third Avenue  
New York, New York 10017  
Telephone: (212) 697-6262  
Facsimile: (212) 972-5866

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JUL 10 2001

PETITIONS OFFICE

Name of Sender David M. Hill

Date July 10, 2001 Pages (including this page) Eleven (11)

Client 515-001 File #

If there is a problem with this transmittal, please telephone us at (212) 697-6262.

## COMMENTS

Dear Ms. Brown: In accordance with our telephone conversation, transmitted herewith is a copy of the applicant's Request for Reconsideration of Decision on Applicant's Petition to Revive his application serial no. 08/843,162. Thank you for your assistance in resolving this matter promptly.

Respectfully submitted,

David M. Hill (Reg. No. 46,170)

**THIS FACSIMILE MESSAGE IS CONFIDENTIAL AND MAY CONTAIN ATTORNEY PRIVILEGED INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR COMPANY NAMED ABOVE.**

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In re application of: Maun  
Serial No.: 08/843,162  
Filing Date: April, 1997  
For: PORTABLE TREESTAND WITH A RECLINING AND RETRACTABLE  
SEAT

Submitted:

1. Request for Reconsideration of the Decision Dated May 24, 2001  
on Applicant's Petition to Revive Improperly Abandoned  
Application;
2. Declaration;
3. Copy of Decision Dated May 24, 2001 on Applicant's Petition to  
Revive Improperly Abandoned Application; and
4. Copy of Notice of Abandonment

Atty. Doc. No.: 515-001

Dated: June 7, 2001

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Mann

Serial No.: 08/843,162

Group Art Unit: 3634

Filed : April 11, 1997

Examiner: Chin Shue, A

Atty. Doc. No.: 515-001

For: PORTABLE TREESTAND WITH A RECLINING AND RETRACTABLE  
SEAT

Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20231

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TRANSMITTAL

JUL 10 2001

S I R:

Submitted herewith is:

1. Request for Reconsideration of the Decision  
Dated May 24, 2001 on Applicant's Petition  
to Revive Improperly Abandoned Application;
2. Declaration Attesting to Mailing of Patent  
Office Correspondence under 37 C.F.R. §  
1.8(a) and Non-Receipt of Further Patent  
Office Correspondence;
3. Copy of Decision Dated May 24, 2001 on  
Applicant's Petition to Revive Improperly  
Abandoned Application; and
4. Copy of Notice of Abandonment.

PETITIONS OFFICE

Respectfully submitted,

  
David M. Hill

Reg. No. 46,170

WARD & OLIVO

708 Third Avenue

New York, New York 10017

(212) 697-6262

CERTIFICATE UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service  
as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks,  
Washington, D.C. 20231, on the date indicated below.

David M. Hill

(Name)

  
(Signature)

46,170

(Reg. No.)

06/07/01

(Date)

**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Mann  
Serial No.: 08/843,162 Group Art Unit: 3634  
Filed : April 11, 1997 Examiner: Chin Shue, A  
Atty. Doc. No.: 515-001

For: PORTABLE TREESTAND WITH A RECLINING AND RETRACTABLE SEAT

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Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20231

JUL 10 2001

**PETITIONS OFFICE**

REQUEST FOR RECONSIDERATION OF THE DECISION DATED MAY  
24, 2001 ON APPLICANT'S PETITION TO REVIVE IMPROPERLY  
ABANDONED APPLICATION

S I R:

It is respectfully requested that the May 24, 2001 decision dismissing the petition to revive the above-referenced application, which was improperly abandoned by the Patent and Trademark Office pursuant to a Notice of Abandonment dated February 26, 2001, be reconsidered and the application revived for the reasons stated in the attached Declaration by the undersigned attorney. It is believed that no fee is required as the abandonment was not the result of any error by the Applicant.

Respectfully submitted,

David M. Hill  
Reg. No. 46,170  
WARD & OLIVO  
708 Third Avenue  
New York, New York 10017  
(212) 697-6262

Date: June 7, 2001

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Mann

Serial No.: 08/843,162

Group Art Unit: 3634

Filed : April 11, 1997

Examiner: Chin Shue, A

Atty. Doc. No.: 515-001

For: PORTABLE TREESTAND WITH A RECLINING AND RETRACTABLE  
SEAT

Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20231

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JUL 10 2001

PETITIONS OFFICE

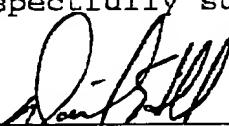
DECLARATION ATTESTING TO MAILING OF PATENT  
OFFICE CORRESPONDENCE UNDER 37 C.F.R. § 1.8(a) AND  
NON-RECEIPT OF FURTHER PATENT OFFICE COMMUNICATION

I, David M. Hill, declare that our records indicate that on May 17, 2000, a Response to Restriction Requirement was timely filed, and that no further Patent Office communication has been received by our office regarding the above-referenced patent application. Specifically, our records indicate that the Patent Office communication allegedly mailed on July 24, 2000 regarding the above-referenced application was not received by our office. A copy of our firm's regular Patent Office communication recording sheet for this application is attached as Exhibit 1. As shown, no entry exists for any Patent Office

communication dated July 24, 2000, thereby demonstrating non-receipt by our firm of such Patent Office communication.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

  
\_\_\_\_\_  
David M. Hill  
Reg. No. 46,170  
WARD & OLIVO  
708 Third Avenue  
New York, New York 10017  
(212) 697-6262

Date: June 7, 2001



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JUL 10 2001

PETITION'S OFFICE

Jerry Mann

### Inventor

Serial No. 08/843,162

Filed April 11, 1997

Serial No. 1,000,000  
Title Portable Treestand with a Reclining and Retractable Seat

Assignee N/A

Assignment Recorded N/A

Recd n/a

Frame n/a

OFFICE ACTIONS	AMENDMENTS
Foreign Filing License Granted 09/19/97	Status Inquiry 08/26/97
Notice of Missing Parts of Application 09/19/97	Response to Office Action 08/26/98
First Office Action 04/28/98	Response to Office Action 01/22/99
Informality Re Payment of Fee 09/09/98	Supplemental Response to Office Action 02/19/99
Restriction / Election 12/23/98	Letter of Response to Informality Re Payment 04/19/99
Informality Re Payment of Fee 09/17/99	Response to Restriction Requirement 05/17/00
Restriction / Election 04/17/00	Petition to Revive Inappropriately Abandoned App. 03/01/01
Notice of Abandonment 02/26/01	
Petition Dismissal 05/24/01	



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov  
03-01

Paper No. 20

WARD & OLIVE  
708 THIRD AVENUE  
NEW YORK, NY 10017

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MAY 24 2001

In re Application of :  
Mann :  
Application No. 08/843,162 :  
Filed: April 11, 1997 :  
For: PORTABLE TREESTAND WITH A :  
RECLINING AND RETRACTABLE SEAT :  
:

OFFICE OF PETITIONS  
PETITION A/C PATENTS

This is a decision on the petition filed March 8, 2001 under 37 CFR 1.181 requesting that the holding of abandonment in the above-identified application be withdrawn.

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The petition is DISMISSED.

JUL 10 2001

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTH** from mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is not a final agency decision.

PETITIONS OFFICE

The application became abandoned August 25, 2000. The application was abandoned for failure to timely respond to the non-final Office action mailed July 24, 2000. The non-final Office action set a one (1) period of time for reply. No extensions of time in accordance with 37 CFR 1.136(a) were requested. Notice of Abandonment was mailed February 26, 2001.

Petitioner asserts non-receipt of the July 24, 2000 Office action and requests that the holding of abandonment be withdrawn.

Petitioner has provided no evidence to support the assertion of non-receipt of the Office action. The instant petition is not supported by documentary evidence to overcome the presumption that the communication was properly mailed to the applicant at the correspondence address of record. The standard for overcoming the presumption of receipt of an Office communication is set forth in Delgar v. Schuyler, 172 USPQ 513 (D.D.C. 1971). Petitioner's attention is also directed to MPEP 711.03(c) for further guidance on this matter.

Should petitioner wish to have the holding of abandonment reconsidered, a thorough explanation supported by documentary evidence consistent with the guidelines set forth under Delgar v.

Schuylar, supra, and MPEP 711.03(c) must be submitted.

Petitioner is advised that should the petition to withdraw the holding of abandonment be granted upon renewed petition, the Office action of July 24, 2000 will be remailed and a new period of time for reply instated.

Further correspondence with respect to this matter should be addressed as follows:

By mail:                   Commissioner for Patents  
                                 Box DAC  
                                 Washington, DC 20231

By facsimile: (703) 308-6916

By hand:                   Office of Petitions  
                                 2201 South Clark Place  
                                 Crystal Plaza 4, Suite 03C23  
                                 Arlington, VA 22202

Telephone inquiries concerning this matter may be directed to Petitions Attorney Alesia M. Brown at (703) 305-0310.

*B. M. Flanagan*  
Beverly M. Flanagan  
Supervisory Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/246,160	04/10/00	MANN	515-001

WABR, 2001-001  
TUE, 14 JUL 2001  
PTO-904X (07-01-97)

EXAMINER  
ALVIN CHIN-SHUE, A

ART UNIT

PAPER NUMBER

DATE MAILED:

07-10-2001

18  
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JUL 10 2001

NOTICE OF ABANDONMENT

This application is abandoned in view of:

Applicant's failure to timely file a proper response to the Office letter mailed on \_\_\_\_\_ PETITIONS OFFICE

A response (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_, which is after the expiration of the period for response (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.

A proposed response was received on \_\_\_\_\_, but it does not constitute a proper response to the final rejection.

(A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC).)

No response has been received.

Applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.

The issue fee (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_.

The submitted issue fee of \$ \_\_\_\_\_ is insufficient. The issue fee required by 37 CFR 1.18 is \$ \_\_\_\_\_.

The issue fee has not been received.

Applicant's failure to timely file new formal drawings as required in the Notice of Allowability.

Proposed new formal drawings (with a Certificate of Mailing or Transmission of \_\_\_\_\_) were received on \_\_\_\_\_.

The proposed new formal drawings filed \_\_\_\_\_ are not acceptable.

No proposed new formal drawings have been received.

The express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on \_\_\_\_\_.

The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.

The reason(s) below:

Alvin Chin-Shue  
Primary Examiner

03 308 6916

\*\*\*\*\*  
\*\*\* RX REPORT \*\*\*  
\*\*\*\*\*

RECEPTION OK

TX/RX NO	7377
CONNECTION TEL	
CONNECTION ID	
START TIME	07/10 (TU) 13:29
USAGE TIME	03 '05"
PGS.	11
RESULT	OK